

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Case No. 1:18-CR-199

Plaintiff,

v.

Hon. Janet T. Neff

MICHAEL MARCUS DILLARD

Defendant(s).

**GOVERNMENT'S
INITIAL PRETRIAL CONFERENCE
SUMMARY STATEMENT**

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements (Rule 16(a)(1)(A))

☐

There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).

☒

There are the following written records of oral statements:

Statements made to U.S. Postal Inspection agents on 7/17/2018

The substance of which

☐

has been disclosed to defense counsel.

☒

will be disclosed to defense counsel by the initial pretrial conference.

2. Written or Recorded Statements (Rule 16(a)(1)(B))

☒

There are no written or recorded statements or grand jury testimony of defendant.

☐

There are the following written or recorded statements or grand jury testimony:

All written or recorded statements

☐

have been disclosed to defense counsel.

☐

will be disclosed to defense counsel by _____.

B. Defendant's Prior Record (Rule 16(a)(1)(D))

- ☐ The Government has made due inquiry and is not aware of any prior criminal record.
- ☒ The Government has disclosed defendant's prior criminal history.
- ☐ The Government is now making inquiry into defendant's prior criminal history. The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects (Rule 16(a)(1)(E))

- ☐ The Government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The Government has the following documents, tangible objects, and physical evidence:
- ☐ Drug Paraphernalia ☐ Drug Records ☐ Inventory (attached)
- ☐ Controlled Substances: _____
- ☒ Records: Retail transactions, credit card transactions, phone, Facebook
- ☐ Firearms: _____
- ☒ Other: Credit and SV cards, stolen mail, cell phones, video images, photos
- ☒ The Government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:
- ☒ State
- ☒ Federal:
- | | |
|-------------------------------------|--|
| Case No. <u>18-MJ-328</u> | Re: <u>Nine electronic devices</u> |
| Case No. <u>18-MJ-327</u> | Re: <u>Facebook accounts</u> |
| Case No. <u>18-MJ-287, 288, 289</u> | Re: <u>Cellular telephone location information</u> |
- ☒ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with:
AUSA Christopher O'Connor to view the physical evidence

D. Reports of Examinations and Tests (Rule 16(a)(1)(F))

- ☐ The Government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☒ The Government has or expects to have reports of the following examinations and tests:
- ☐ Drug Analysis ☐ Handwriting ☐ Fingerprints
- ☐ DNA ☐ Firearms/Nexus ☐ Gun Operability
- ☒ Computer Forensics ☐ Other: _____

E. Reciprocal Discovery

- ☒ The Government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

☒ The Government does not presently intend to introduce 404(b) evidence.

☐ The Government does presently intend to introduce the following 404(b) evidence:

☐ The Government will provide pretrial notice of 404(b) evidence by _____.

G. Other Discovery Matters

II. TRIAL

A. The Government requests a ☒ jury ☐ non-jury trial.

B. The length of trial excluding jury selection is estimated at 2.5 days.

III. MISCELLANEOUS

☐ This case may be appropriate for expedited resolution.

☒ The Government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.

☐ The Government is aware of the following potential conflicts:

☒ Government's plea negotiation policy:

Any plea offer and deadline will be communicated in writing to Defendant's counsel.

If a guilty plea is entered less than 14 days before the date of the final pretrial conference, the government will not move for a one-level reduction of the offense level pursuant to U.S.S.G. § 3E1.1(b).

Date October 18, 2018

/s/ Christopher M. O'Connor
Counsel for the United States